



Opinion 585

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Opinion Title: 03/26/2015 UNPUBLISHED Zions v Taylor, 13-2186, Judge Mosier.

Body:

Debtor financed the purchase of six luxury automobiles at the urging of an auto rental company who told the Debtor that the various banks used to finance the automobiles were aware of Debtor's intent to lease the vehicles to the rental company notwithstanding Debtor's representations contained in the loan documents that the vehicles were for the Debtor's personal use only. Debtor defended the § 523(a)(2)(A) complaint arguing that because he believed the auto rental company's representations, he therefore lacked the necessary intent to defraud. The Court held that the auto rental company's fraud upon the Debtor does not absolve the Debtor of his fraud upon the bank. The Debtor's failure to verify that the Bank was aware of the Debtor's true intention to lease the vehicle amounted to willful blindness. The Court did not countenance a "pure heart, empty head" defense, and the Debtor's intent to deceive can be inferred from the totality of the circumstances.

File:



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Judge: [Chief Judge R. Kimball Mosier](#) [2]

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